

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

PAMELA D. FARMER,)	
)	
Plaintiff,)	
)	
v.)	Case No. 2:11-CV-03109-JPM-dkv
)	
FEDEX EXPRESS,)	
)	
Defendant.)	

FEDERAL EXPRESS CORPORATION’S SECOND MOTION TO DISMISS

Defendant, Federal Express Corporation a/k/a FedEx Express, moves the Court for an Order dismissing Plaintiff’s Complaint and the amendment to her Complaint against Defendant, as well as the other FedEx operating companies named in that amendment, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure. Once again, Plaintiff sued the wrong FedEx companies. Through the amendment to Plaintiff’s Complaint, which was filed after Defendant’s First Motion to Dismiss (and without leave of Court), Plaintiff named FedEx Customer Information Services, Inc. (“FCIS”), FedEx Services, FedEx Corporate Services, Inc., and FedEx Express.¹ Plaintiff cannot state a claim against FedEx Express or FedEx Corporate Services, Inc. (which is commonly referred to as FedEx Services) because they were not her employer during the relevant time period of the Complaint. Furthermore, she cannot state a claim against FedEx Customer Information Services, Inc., because that entity does not exist. A Memorandum setting

¹ Plaintiff attempted service by sending a copy of her amendment to the undersigned, as well as to Mary Beard, an attorney employed by FedEx Corporation (which is the parent company, but which is not a defendant in this action). Neither individual is an authorized agent for service of process for any of the FedEx operating companies named in the amendment.

forth the factual and legal basis for this Motion has been filed contemporaneously herewith and is specifically incorporated by reference into this Motion.

WHEREFORE, Defendant respectfully requests that the Court issue an Order granting Defendant's Motion and dismissing all of Plaintiff's claims in her Complaint, and the amendment to that Complaint, against all Defendants with prejudice.

Respectfully submitted,

FEDERAL EXPRESS CORPORATION

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By: s/ Daniel Riederer
P. Daniel Riederer (TN Bar 021662)

CERTIFICATE OF SERVICE

I hereby certify that a copy of Defendant's Second Motion to Dismiss was filed electronically with the Court through the Court's CM/ECF System, and served via Certified U.S. Mail, on February 16, 2012 upon:

Pamela D. Farmer
8164 Oneil Drive
Millington, Tennessee 38053

s/ Daniel Riederer